

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

GOLO, LLC

Plaintiff,

v.

SUPPLEMENT DIRECT VENTURES, INC.,
and ABC CO. d/b/a "SUPPLEMENT
POLICE"

Defendants.

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: CIVIL ACTION NO. _____
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VERIFIED COMPLAINT

Plaintiff, GOLO, LLC ("GOLO" or "Plaintiff"), by and through its undersigned counsel, Pepper Hamilton LLP, hereby files this Complaint against Defendants Supplement Direct Ventures, Inc. ("Supplement Direct"), and ABC Co. d/b/a Supplement Police ("Supplement Police") (collectively, "Defendants"), and in support thereof avers as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this Action pursuant to 28 U.S.C. §§ 1331 and 1338(a) and under the Lanham Act, 15 U.S.C. § 1121, *et seq.*
2. This Court has personal jurisdiction over Defendants because Defendants transact business, contract to supply things, and/or cause harm and tortious injury in the Commonwealth of Pennsylvania. Defendants have purposefully availed themselves of the laws of Pennsylvania and engage in continuous and systematic conduct in Pennsylvania and this judicial district.
3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and (c).

PARTIES

4. GOLO is a corporation organized under the laws of the State of Delaware with a principal place of business located at 630 Churchmans Road, Suite 200, Newark, Delaware 19702.

5. Supplement Direct is a California corporation with a principal place of business located at 399 E. Foothill Blvd., San Luis Obispo, CA 93405, and a registered agent's address located at 3480 S. Higuera Street #100, San Luis Obispo, CA 93401.

6. Upon information and belief, Supplement Police is a fictitious name for a corporation or limited liability company organized under the laws of a state within the United States. Supplement Police is not registered in that name as a corporation or limited liability company in California, Delaware, or Pennsylvania.

FACTUAL BACKGROUND

GOLO, LLC

7. GOLO is a leading weight loss program created by a team of doctors and researchers which aids people all over the world in achieving their weight loss goals in a sustainable and healthy manner. (See www.golo.com (last visited June 2, 2017).)

8. GOLO was the top-searched diet on Google in 2016. (See <https://www.google.com/trends/yis/2016/US?hl=en>.)

9. The GOLO 30-Day Rescue Plan program promotes weight loss with a three-tier solution of dietary modification, regular exercise, and nutraceutical supplementation that helps dieters lose weight without drastically cutting calories and/or compromising their health. (See www.golo.com.)

10. The GOLO program includes: (1) the Release supplement; (2) the Metabolic Fuel Matrix; and (3) behavioral changes. (*See id.*) Members can expect to lose an average of 1-2 pounds per week. (*See id.*)

11. The Release supplement contains a proprietary blend of ingredients that assists with the release of stored fat, and is intended to kick-start weight loss and support sustainable and lasting results. (*See id.*)

12. The Metabolic Fuel Matrix employs a meal plan that utilizes food in correct portions and combinations to assist the body's conversion of food into energy rather than fat storage. (*See id.*)

13. GOLO promotes behavioral changes in its users by providing the tools needed to succeed and reach weight loss goals and overcome emotional and stress eating. (*See id.*) These tools include simple strategies to strengthen each user's level of commitment and determination. (*See id.*)

14. The GOLO 30-Day Rescue Plan Kit currently includes: the GOLO 30 Day Rescue Plan; Creating Matrix Meals; Truth & Change; the Release supplement; and a free myGOLO.com membership. Members can choose additional bottles at the time of order or later via the myGOLO free membership site. Customers do not pay for shipping for their Rescue Plan Kit. (*See* <https://golo.com/cart-shop/>.)

15. The myGOLO.com membership provides a support forum and allows members to communicate with other members on the Plan, as well as access recipes and meal plans. (*See* <https://www.facebook.com/GOLO4life/>, post by GOLO dated January 8 at 7:08pm; http://www.mygolo.com/login.aspx#.)

16. GOLO offers a sixty-day money back guarantee to its members. (*See* www.golo.com/policies.)

17. GOLO has earned rave reviews from its members, many of whom credit GOLO with being the catalyst for sustainable weight loss, long-lasting dietary changes, and overall improved health. (*See* <https://golo.com/reviews/>.) GOLO states on its website that the highlighted results may not be typical and each person's results may vary. (*Id.*)

18. GOLO is endorsed, and even used by, multiple doctors, many of whom share their professional opinions of GOLO on GOLO's website. (*See* www.golo.com.)

19. GOLO's website identifies "Team GOLO," which includes the program's developers, doctors, and executive management, among others. (*See* <https://golo.com/teamgolo/>.)

20. GOLO conducted several trials between 2009 and 2014 in South Africa and the United States to determine the efficacy and safety of its three-tier solution. (*See* <https://golo.com/clinical/>.) These studies demonstrated average weight loss of 20.6 pounds within the first 90 days of the program, 37.4 pounds after 26 weeks, and 48.6 pounds after one year. (*See id.*)

SUPPLEMENT DIRECT AND SUPPLEMENTPOLICE.COM

21. On information and belief, Supplement Direct and Supplement Police are related entities that compete with GOLO in the diet and weight-loss industry.

22. Supplement Direct is a manufacturer, seller, and distributor of diet, weight-loss and nutritional products.

23. Supplement Direct owns and operates SupplementDirect.com, a website through which consumers can purchase diet, weight-loss and nutritional products, and have those

products shipped across the United States, including to Pennsylvania. (*See* <http://www.supplementdirect.com> (last visited June 2, 2017).)

24. In addition, Supplement Direct maintains at least three stores in California, where consumers can purchase diet, weight-loss and nutritional products in person. (*See* <http://www.supplementdirect.com/Locations.aspx>.)

25. On information and belief, Supplement Direct owns, operates, and/or is affiliated with Supplement Police.

26. Supplement Police claims to be a “product review website which aims to introduce some much-needed honesty and transparency to the world of online reviews” through “detailed reviews of popular products,” including “nutritional supplements, financial products, and online business ideas.” (<https://supplementpolice.com/about/how-supplement-police-works/> (last visited June 2, 2017).)

27. Supplement Police boasts that it “provid[es] intelligent, well-written reviews [of those products] from real customers” and “does [so] without being biased or favorable towards any products or companies. (*Id.*)

28. Supplement Police claims further that – while it used to make “money through affiliate income” (by “promot[ing] certain products and link[ing] visitors to sales pages for those products,” and then receiving a “cut of the sale”) – it “doesn’t currently accept affiliate income from any company in exchange for favorable reviews – instead, it makes its money exclusively from [Google] AdSense revenue.” (*Id.*)

29. Finally, Supplement Police claims that it is “possibly the most transparent review website on the internet today,” and is devoted to building “trust with all readers.” (*Id.*)

30. Despite its purported commitment to transparency and trust, Supplement Police: does not publish its physical address, email address, phone number, or other contact information on its website, or on its Facebook, Twitter, YouTube, Instagram, or Google+ pages; does not identify the authors of the “reviews” on its website or list any of its owners, officers, directors, or employees on its website; does not include bylines or date-stamps with its “reviews”; has no readily-discoverable corporate footprint; and conceals the true operator and owner of its website from public view.

31. On information and belief, Supplement Police – either on its own or through Supplement Direct – has not disassociated completely from its “affiliates,” and continues to receive commissions and/or other financial compensation related to the sale of products advertised, linked, and/or favorably reviewed on its website.

32. Supplement Police endorses, through a series of positive reviews posted to its website, multiple products sold through Supplement Direct’s website, including the following diet and weight-loss related products: AbCuts 5-in-1 Fat Fighter; Lipodrene Extreme with EPH; Now Foods Chitosan; Rainbow Light Bright Energy; Stimerex-ES with EPH; Twinlab Ripped Fuel; and Universal Nutrition Animal Cuts.

33. On information and belief, Supplement Police’s “reviews” are predominantly bogus, and not based on any scientific or factual testing, study, or analysis conducted or reviewed by Supplement Police.

34. On information and belief, the favorable reviews, positive treatment of, and links to products manufactured, distributed, and/or sold by Supplement Direct on the Supplement Police website provide significant financial benefits to and a competitive advantage for Supplement Direct.

SUPPLEMENT POLICE'S GOLO "REVIEW"

35. In or around 2016, Supplement Police published a "review" of the GOLO product titled "GOLO – Insulin Resistance For Weight Loss?" (the "GOLO Review") to its website. (See <https://supplementpolice.com/golo>. (last visited June 2, 2017).)

36. The GOLO Review is replete with inaccuracies, misleading statements, and blatant falsehoods.

37. For example, the GOLO Review inaccurately describes how GOLO was created, as well as what GOLO "promises," and falsely states that:

- GOLO's Release Supplement should be taken "30 minutes before a meal" in order to "enjoy health benefits while also purportedly normalizing your insulin levels"; and
- "Out of all of the ingredients listed [in the Release Supplement], only Salacia bark has been linked to reduced diabetes symptoms ... Meanwhile, none of the other ingredients in Release have been linked to weight loss or normalized insulin levels."

(*Id.*)

38. In addition, the GOLO Review includes bolded headlines that pose misleading questions which could cause readers to doubt GOLO's effectiveness and/or decide not to purchase GOLO.

39. The GOLO Review is surrounded by advertisements and links to various products and websites unrelated to, but – in many cases – in direct competition with, GOLO, as well as a series of so-called "Related Reviews" authored by Supplement Police.

40. As an example, at the bottom of the GOLO Review, there is a large, colorful invitation for readers to "Shop Related Products," and a corresponding advertisement that links to four non-GOLO weight-loss supplements available for sale on Amazon.com. (*See id.*)

41. On information and belief, Supplement Police and/or Supplement Direct sell, are affiliated with, and/or receive commissions or other compensation from some or all of the products or companies that are linked or advertised on or surrounding the GOLO Review.

42. Further down the GOLO Review page, there is also a stream of “comments” from readers. (*See id.*)

43. These comments include basic questions about the GOLO product, its efficacy, and its safety or appropriateness for individuals who are overweight, diabetic, and breastfeeding, as well as “testimonials” from various readers who claim to have ordered and used the GOLO product.

44. The above-referenced “testimonials” include negative reviews from mostly anonymous “readers” who criticize and question GOLO.

45. For example, a “juanita krueger” wrote (on May 21, 2017) that GOLO “was not for me. It did nothing for me. Lost a whole one [sic] in a month. You need to tell everyone they need to really diet and work out [sic].” (*Id.*)

46. As of the date of this filing, Supplement Police has not answered any of the above-referenced questions in the comments or otherwise replied to any of the comments on the GOLO Review page.

47. On information and belief, Supplement Police does not screen the reader “comments” on its website or the GOLO Review in any way. To the contrary, readers can post whatever they desire, simply by entering their comment in the “Leave a Reply” box at the bottom of the page, along with their name and email address.

48. On information and belief, Supplement Police does not verify, or attempt to verify, that “comments” are posted by actual individuals (and not, for example, GOLO

competitors), that the names and email addresses provided by commenters are valid, and/or that commenters who claim to have ordered or used the GOLO product actually did as much.

49. In May 2017, Plaintiff's counsel wrote to Supplement Police – through Domains by Proxy, LLC, the entity listed as the registrant for Supplement Police's website – and demanded that Supplement Police cease and desist its unfair competition, false advertising, and trade libel by, *inter alia*, removing the offending GOLO Review. (*See* Ex. A, hereto.)

50. As of the date of this filing, neither Supplement Police nor Supplement Direct has responded to said demands, and the GOLO Review remains live on the Supplement Police website.

DEFENDANTS' USE OF SEARCH ENGINE OPTIMIZATION TECHNIQUES TO STEAL
GOLO PAGE VIEWS AND CONSUMERS

51. On information and belief, Supplement Direct and/or Supplement Police redirect GOLO's potential consumers to Supplement Police's website (and the products, programs, and plans Supplement Police positively reviews and promotes) through various search engine optimization techniques ("SEOs"), including the use of Google's AdSense and/or AdWords programs.

52. On information and belief, Supplement Direct and/or Supplement Police purchase online advertisements through Google's AdSense and/or AdWords programs, including advertisements that are based upon, or incorporate, the term "GOLO," which accordingly manipulate the user's search results in Google.

53. As a result of these SEOs, when a user searches Google for "GOLO," Supplement Police's "GOLO review" and URL address appear on the first page of results.

54. On information and belief, Supplement Direct and/or Supplement Police's use of the above-described SEOs has redirected potential and existing GOLO customers to Supplement

Police's website, and to the products, programs, and plans Supplement Police positively reviews and promotes on its website, and has resulted in GOLO's loss of substantial revenue and goodwill.

COUNT I
UNFAIR COMPETITION AND FALSE ADVERTISING UNDER THE LANHAM ACT,
15 U.S.C. § 1125 *et seq.* AS TO GOLO

55. GOLO incorporates the preceding paragraphs as though set forth herein.

56. Defendants' method of using Supplement Police's website in general, and the GOLO Review in particular, to publish false, misleading, and defamatory statements regarding GOLO, praise the products, programs, and plans Defendants are affiliated with, and/or receive compensation from, and direct readers to those other products, programs, and plans, constitutes unfair competition and/or false advertising.

57. The Supplement Police website purports to be an independent review site that provides readers with an objective resource, but is actually a conduit for the promotion of products, programs, and plans Defendants are affiliated with, and/or receive compensation from.

58. In promoting those other products, programs, and plans, and disparaging GOLO, Defendants are making false and misleading statements about GOLO's product, including but not limited to the statements alleged herein.

59. Defendants' false and misleading statements are material, in that they are likely to influence customers' purchasing decisions.

60. Defendants' acts constitute willful, deliberate, false, and misleading representations of fact as to the nature and characteristics of GOLO's services, in violation of 15 U.S.C. § 1125(a)(1)(B), because the GOLO Review is simply a means of promoting the products, programs, and plans Defendants are affiliated with, and/or receive compensation from.

61. GOLO has been and will continue to be injured as a result of Defendants' false statements, either by direct diversion of sales from GOLO to the products, programs, and plans Defendants are affiliated with, and/or receive compensation from, the costs to GOLO for corrective advertising to counteract Defendants' misrepresentations and advertising campaign, or by a lessening of the goodwill associated with GOLO's goods and services.

62. As a direct and proximate result of Defendants' Unfair Competition and False Advertising, GOLO has suffered and will continue to suffer monetary damages and irreparable harm.

63. GOLO is entitled to relief pursuant to 15 U.S.C. § 1125.

COUNT II
UNFAIR COMPETITION AND FALSE ADVERTISING UNDER THE LANHAM ACT,
15 U.S.C. § 1125 *et seq.* AS TO AFFILIATED PRODUCTS, PROGRAMS, AND PLANS

64. GOLO incorporates the preceding paragraphs as though set forth herein.

65. In promoting the products, programs, and plans Defendants are affiliated with, and/or receive compensation from, Defendants appear to be making false and misleading statements about said products, including but not limited to the statements alleged herein.

66. Defendants' apparently false and misleading statements are material, in that they are likely to influence customers' purchasing decisions.

67. Defendants' acts with respect to the products, programs, and plans they are affiliated with, and/or receive compensation from, also constitute willful, deliberate, false, and misleading representations of fact as to the nature and characteristics of their own goods or services, in violation of 15 U.S.C. § 1125(a)(1)(B), because the statements alleged herein are not supported by any studies, data, or facts. Defendants' misleading statements, therefore, constitute false advertising and promotion.

68. GOLO has been and will continue to be injured as a result of Defendants' false statements, either by direct diversion of sales from itself to the other products, programs, and plans Defendants are affiliated with, and/or receive compensation from, or by a lessening of the goodwill associated with GOLO's goods and services.

69. As a direct and proximate result of Defendants' Unfair Competition and False Advertising, GOLO has suffered and will continue to suffer monetary damages and irreparable harm.

70. GOLO is entitled to relief pursuant to 15 U.S.C. § 1125.

**COUNT III
TRADE LIBEL
PENNSYLVANIA COMMON LAW**

71. GOLO incorporates the allegations of the foregoing paragraphs as if fully set forth herein.

72. The above-mentioned statements were paid for and/or published by Defendants on the Supplement Police website.

73. The above-mentioned statements were false and defamatory.

74. At the time Defendants published the above-mentioned statements, they knew that the statements concerning GOLO were totally false or, if not, Defendants' avoidance of the truth was in utter and reckless disregard of their truth or falsity.

75. Defendants' false and defamatory statements have severely injured GOLO, in that they have tended to blacken and besmirch GOLO's reputation.

76. Each of the aforementioned defamatory statements was understood by third parties to pertain to, and defame, GOLO.

77. Defendants' defamatory publication was so outrageous and malicious as to warrant the imposition of punitive damages.

78. As a proximate result of Defendants' malicious, intentional, and reckless conduct as set forth above, GOLO is entitled to such damages as will compensate it for the injury to its professional reputation, as well as punitive damages to punish Defendants for their conduct and deter Defendants and others similarly situated for like acts in the future.

PRAYER FOR RELIEF

WHEREFORE, GOLO prays for a judgment in its favor and against Supplement Direct and Supplement Police on the claims set forth above and requests that this Court award GOLO compensatory and punitive damages, attorneys' fees and costs, and such other and further relief as this Court may deem just and equitable under the circumstances.

JURY TRIAL DEMANDED

Plaintiff hereby exercises its right to trial by a competent jury of its peers.



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Dated: June 2, 2017

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

GOLO, LLC

Plaintiff,

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SUPPLEMENT DIRECT VENTURES, INC.,
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Defendants.

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VERIFICATION TO COMPLAINT

I, Chris Lundin, verify and declare as follows:

1. I am the Chief Executive Officer of Plaintiff GOLO, LLC ("GOLO") and am authorized to make this Verification on behalf of GOLO. I have read GOLO's Verified Complaint in this matter and know its contents.

2. I verify under penalty of perjury that the matters set forth in the Complaint in this matter are true and correct to the best of my knowledge, information, and belief. I understand that false statements made herein are made subject to the penalties of Title 28 U.S.C. § 1746.

Dated: June 1, 2017



Chris Lundin
Chief Executive Officer
GOLO, LLC

EXHIBIT “A”

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May 10, 2017

VIA FEDERAL EXPRESS PRIORITY

Supplement Police
c/o Domains by Proxy, LLC
14455 N. Hayden Road
Scottsdale, AZ 85260

Re: GOLO, LLC

Dear Sir or Madame:

This firm is Intellectual Property Counsel to GOLO, LLC ("GOLO"). As you most likely know, GOLO is a leading weight loss program created by a team of doctors and researchers which aids people all over the world in achieving their weight loss goals in a sustainable and healthy manner.

It has come to GOLO's attention that you published a "review" of the GOLO product to your website, <https://supplementpolice.com>. (See <https://supplementpolice.com/golo>.) This "review" remains live on your website, and contains numerous false, misleading, and defamatory statements about the GOLO product, and provides no support or evidence for many of the assertions made therein. These false, misleading, and defamatory statements are likely to influence customers' purchasing decisions and lead to customer confusion.

First, it is clear that Supplement Police uses the headlines in its GOLO "review" to create skepticism regarding the GOLO product. The questions posed through those headlines (particularly, "GOLO - Insulin Resistance for Weight Loss?" and "How Does GOLO Claim to Work?") are clearly intended to raise doubts in readers' minds, and paint GOLO's product as a potential sham. (*Id.*) In reality, GOLO's efficacy is well-established, as evidenced by the many studies and trials conducted by GOLO concerning its product, as well as the statements and opinions of various physicians. (See <https://www.golo.com/clinical-studies/> and <https://www.golo.com/about-golo>.)

Philadelphia	Boston	Washington, D.C.	Los Angeles	New York	Pittsburgh	
Detroit	Berwyn	Harrisburg	Orange County	Princeton	Silicon Valley	Wilmington



Supplement Police

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May 10, 2017

And second, your GOLO "review" contains numerous and blatantly misleading, false, and defamatory statements about GOLO under those headlines. For example, you state that "insulin resistance ... is also known as prediabetes." (<https://supplementpolice.com/golo/>.) These are not the same things. (See <https://www.golo.com/> ("insulin resistance ... can develop into pre-diabetes and Type 2 diabetes").) You also state that GOLO "involves a lot of high intensity interval training, or HIIT ... but there's some controversy about [HIIT's] ability to help you lose weight" and that "GOLO also advocates something called 'spot training' ... [which] some studies have shown ... is a complete myth and doesn't work." (<https://supplementpolice.com/golo/>.) Yet, you do not cite to any evidence of such a "controversy" or the supposed "studies." Finally, your "review" also questions the ingredients in GOLO's Release supplement, and states that you "can't be sure that [Release] provides any meaningful results." (*Id.*) GOLO's website provides extensive details regarding Release and its success. (See <https://www.golo.com/about-release/>.)

Supplement Police's disparagement of GOLO's product appears to constitute, at the very least, False Advertising under the Lanham Act and common law defamation. Under the circumstances, Supplement Police must immediately cease and desist any and all advertising, marketing, review, or discussion of the GOLO product on the <https://supplementpolice.com> website, and provide confirmation and evidence that the GOLO "review" on the <https://supplementpolice.com> website has been permanently removed.

Please provide confirmation of your agreement to the above terms within the next three (3) days. Once the above information is received, the parties can discuss resolution of GOLO's monetary claims.

Additionally, we respectfully request that you retain and maintain any and all documents, computer, and phone records, as well as any other hard copy and/or electronic storage of any and all information and/or documentation which may be relevant to GOLO's claims and any possible defenses you may raise.

Lastly, for your reference, I have enclosed several of the pleadings and motions filed by GOLO in its lawsuits in the Eastern District of Pennsylvania against the website, www.consumerscompare.org and the diet pill, PS1000, as well as against the website www.DietSpotlight.com. I have also enclosed the Stipulated Permanent Injunction granted to GOLO against www.consumerscompare.org and PS1000. GOLO's suit against these entities related to www.consumerscompare.org and PS1000's collusion to divert internet traffic and business from GOLO to PS1000 via the use of a misleading, false, and defamatory "review" of GOLO on the www.consumerscompare.org website and misleading, false, and defamatory advertisements on various search engines in violation of the Lanham Act and Pennsylvania Common Law.

Pepper Hamilton LLP
Attorneys at Law

Supplement Police

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May 10, 2017

I look forward to hearing from you.

Sincerely,

/s/ M. Kelly Tillery

M. Kelly Tillery
Counsel for GOLO, LLC